

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TOKIO MARINE AMERICA INSURANCE
COMPANY
a/s/o ITOCHU LOGISTICS (USA)
CORPORATION,

Plaintiff,

v.

JAN PACKAGING, MCCOLLISTER'S
TRANSPORTATION SYSTEMS, INC.,
BALA TRANSPORT CORP., KING
TRANSPORT LLC, NOLAN
TRANSPORTATION GROUP, LLC,
COURIER SYSTEMS,

Defendants,

-AND-

JAN PACKAGING,

*Defendant-Third Party
Plaintiff,*

v.

NOLAN TRANSPORTATION GROUP,
MCCOLLISTER'S TRANSPORTATION
SYSTEMS, INC., AND MASTHEAD
INTERNATIONAL, INC.

Third-Party Defendants.

Civil No.: 17-cv-7491 (KSH) (CLW)

ORDER

WHEREAS plaintiff Tokio Marine America Insurance Company a/s/o Itochu Logistics (USA) Corporation ("plaintiff") has moved for default judgment against defendant Bala Transport Corp. ("Bala") (D.E. 51); and

WHEREAS default was entered against Bala on January 26, 2018 (D.E. 31); and

WHEREAS “if default is entered against some defendants in a multi-defendant case, the preferred practice is for the court to withhold granting default judgment until the action is resolved on its merits against non-defaulting defendants,” *Animal Sci. Prods. v. China Nat’l Metals & Minerals Imp. & Exp. Corp.*, 596 F. Supp. 2d 842, 849 (D.N.J. 2008) (Brown, J.); *see also FTC v. Preferred Platinum Services Network, LLC*, 2010 WL 3883403, at *2 (D.N.J. Sept. 28, 2010) (Cooper, J.), and

WHEREAS this action involves multiple defendants in addition to Bala, as well as a third-party complaint and various crossclaims, including crossclaims against Bala (D.E. 26, 63, 77), and

WHEREAS, entering default judgment against Bala under the circumstances would be premature,

NOW, THEREFORE, IT IS, on this 3rd day of March, 2020,

ORDERED that plaintiff’s motion for default judgment (D.E. 51) is DENIED WITHOUT PREJUDICE.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.